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11 Attorneys for Defendants

SCIOS, INC. AND JOHNSON & JOHNSON

12
13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16
17 UNITED STATES *ex rel* STROM,

18 Plaintiffs,

19 vs.

20 SCIOS, INC. and JOHNSON & JOHNSON,

21 Defendants.

CASE NO. C 05-3004 CRB

**STIPULATION AND ~~PROPOSED~~
ORDER RE: FILING OF SECOND
AMENDED ANSWER**

STIPULATION

WHEREAS the United States filed its Complaint in this matter on June 11, 2009;

WHEREAS Defendants Scios, Inc. and Johnson & Johnson filed a First Amended Answer on February 5, 2010;

WHEREAS the First Amended Answer contains an Eleventh Affirmative Defense of reliance on advice of counsel;

WHEREAS Defendants have elected to dismiss and/or waive with prejudice the Eleventh Affirmative Defense of reliance on advice of counsel;

The undersigned counsel hereby stipulate and agree as follows:

Pursuant to Federal Rule of Civil Procedure 15(a)(2), Defendants shall be permitted to file a Second Amended Answer to the United States' Complaint that removes the Eleventh Affirmative Defense of reliance on advice of counsel.

IT IS SO STIPULATED.

Dated: March 16, 2010

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Christopher Tayback
CHRISTOPHER TAYBACK

*Attorneys for Defendants Scios, Inc. and Johnson
& Johnson*

Dated: March 16, 2010

By /s/ Sara Winslow
SARA WINSLOW
JULIE A. ARBUCKLE
Assistant United States Attorneys

1 Dated: March 16, 2010

By /s/ Renee Orleans

2 RENÉE S. ORLEANS
3 KIMBERLY FRIDAY
4 Civil Division, U.S. Department of Justice

5 Dated: March 16, 2010

NOLAN & AUERBACH, P.A.
LAW OFFICES OF MATTHEW PAVONE, Esq.

6 By /s/ Matthew Pavone

7 MATTHEW PAVONE

8 *Attorneys for Relator Joe Strom*

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10 **ORDER**

11 Pursuant to stipulation, it is so ordered. Defendants may file their Second Amended
12 Answer. Defendants' Eleventh Affirmative Defense of reliance on advice of counsel is waived
13 and dismissed with prejudice.
14

15 IT IS SO ORDERED.

16 Dated: March 23, 2010

